

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
EPTMS, INC.,	§	Case No. 17-31729-HCM-11
	§	
Debtor.	§	

MOTION TO REJECT UNEXPIRED LEASE

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely response is necessary for a hearing to be held.

Now comes the Debtor-in-Possession EPTMS, INC. and through its counsel E.P. BUD KIRK files this Motion to Reject the Unexpired Lease of non-residential real property which it has with BACELINE INVESTMENTS, LLC as manager of FDN HOLDINGS, LLC for the premises known as 6001 San Mateo, G-3, Albuquerque, New Mexico 87110, and for cause would show:

1.

Petition date in these Chapter 11 proceedings is October 25, 2017. The Debtor has leased a shopping center property at 6001 San Mateo, G-3, Albuquerque, New Mexico 87110 from the lessor BACELINE INVESTMENTS, LLC as manager of FDN HOLDINGS, LLC, until it vacated those premises on December 18, 2017. The lease terms (hereinafter "the Lease") do not expire until 2021.

2.

EPTMS, INC. wishes to reject the Lease because it is burdensome to this estate. BACELINE INVESTMENTS, LLC would not tolerate any form of "store closing" or

"liquidation sale" signage. EPTMS, INC. moved out of the store on December 18, 2017 and informed BACELINE that it has no plans to return to the premises.

WHEREFORE, PREMISES CONSIDERED, EPTMS, INC. prays that the rejection of this Lease be approved. Further Debtor prays for all other relief deserved in the circumstances, general or special, at law or equity.

Respectfully submitted this 19th day of January, 2018.

/s/ E.P. Bud Kirk
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Attorney for Debtor-in-Possession

CERTIFICATE OF SERVICE

I do hereby certify that on the 19th day of January, 2018, I did cause a copy of the foregoing Motion to Reject Unexpired Lease to be mailed or delivered to U.S. Trustee, P.O. Box 1553, San Antonio, TX 78295-1539; to EPTMS, INC., 9813 Dyer, Suite 300, El Paso, TX 79924; to Baceline Investments, LLC, c/o Caleb T. Holzaepfel, 736 Georgia Avenue, Ste. 300, Chattanooga, TN 37402-2059; and to HYIF San Mateo, LLC, 1391 Speer Blvd., Ste. 800, Denver, CO 80204.

/s/ E.P. Bud Kirk
E.P. BUD KIRK